Council Agenda # 6A
Meeting of May 26, 2009

Staff Report

RESOLUTION PLACING A MEASURE ON THE BALLOT FOR THE NOVEMBER 3, 2009 MUNICIPAL ELECTION REQUIRING VOTER APPROVAL FOR: 1) CONVERSION OF CERTAIN CITY-OWNED PARKS AND OPEN SPACE TO OTHER USES; AND FOR 2) CERTAIN SALES AND ENCUMBRANCES OF SUCH LANDS; AND DIRECTING CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF SAID MEASURE

Honorable Mayor and Council Members:

Summary
On January 27, 2009, and on February 24, 2009, the City Council considered whether the upcoming November ballot should contain a Council-sponsored measure that would require a vote of the people to change parks and open space uses from existing and/or allowed uses to different uses. After obtaining direction at those meetings, staff is returning with a resolution and ordinance language. Staff requests that the City Council consider adoption of the enclosed resolution to place the matter on the upcoming ballot.

Background
At the Council meeting of February 24, 2009, the Council directed staff to research the ownership status of the eighteen City-owned properties listed in the prior staff report (see Attachment A). The Clerk's office did so, and the result is the spreadsheet attached as Attachment B. Ralston Ranch Park is not owned by the City, but is owned by the property owners in the subdivision. Accordingly, this park should be removed from the list of lands subject to the proposed ballot measure. With respect to the remaining City-owned parks and open space lands on the list, some of the deeds by which the City acquired the properties reflect allowable uses of the property. For example, some deeds have language limiting the use of the property to open space; other deeds specify that the properties can be used for parks, recreation, other civic activities or schools. The deed language cannot be changed by a vote of the people. Accordingly, the proposed ordinance contains language making it clear that the ordinance is subject to any deed provisions.

The list of parks and open space lands subject to the measure would be as follows:

1. John S. Brooks Open Space (near Water Dog Lake)
2. Hallmark Park
3. Cipriani Park/Dog Park
4. Hidden Canyon Park
5. HastingsTot Lot

6. Belameda Park
7. Barrett Community Center
8. McDougal Park
9. Twin Pines Park
10. College View Park
11. Alexander Park
12. O'Donnell Park
13. Belmont Sports Complex
14. Davey Glen Park
15. Patricia Wharton Park
16. Semeria Park
17. Wakefield Park

At the last meeting, Council reconfirmed that the proposed measure should contain the following five features:

1. The measure would currently apply only to the seventeen City-owned properties listed above;
2. The measure would apply to parks and open space acquired by the City in the future;
3. The seventeen properties would be rezoned by the measure to a new zoning designation entitled "Parks, Recreation, and Open Space";
4. These properties could only be used for the parks, recreation, and open space uses as specified in the City's Parks and Open Space Element of the General Plan, as amended from time to time, and as implemented by the Parks and Open Space Master Plan, as amended from time to time, absent a vote of the people;
5. A vote of the people would be required to sell, exchange, or encumber any park or open space lands contained in the new zoning district. To "encumber" means to pledge or use the property as collateral for a loan or other monetary obligation.

With respect to item #5, there was discussion at the last meeting that exchanges of parks and open space should be allowed in the limited circumstance where *contiguous* parks or open space were being acquired as a result. Furthermore, there was discussion that selling or borrowing against parks and open space lands could be permissible only if the purpose was to acquire new parks and open space. These features have been incorporated into the proposed measure for Council review and discussion. One open question is whether sales, exchanges, or encumbrances should be allowed only if the result of the transaction is "equal" in terms of land acreage or some other criteria.

Discussion

At tonight's meeting, staff requests that the Council decide whether to place the matter on the upcoming November ballot. As noted at earlier meetings, placing an initiative measure on the ballot by ordinance would require three affirmative votes of the City Council. If the vote passes,

staff requests that the Council appoint one or more individuals to prepare a written argument in favor of the measure, and also to authorize the City Attorney to prepare an impartial analysis. Alternatively, the Council could direct staff to return in a subsequent meeting with modified language based on Council direction. Regardless, the Council should vote on the measure by its July 14, 2009 meeting if there is to be sufficient time to place the matter on the November ballot.

The proposed measure is subject to environmental review under the provisions of CEQA. Based on the text of the measure, staff has concluded that the proposed project is categorically exempt from CEQA under Section 15308—Actions of Regulatory Agencies for the Protection of the Environment.

General Plan/Vision Statement

The proposed measure would be consistent with the General Plan's policies to protect and preserve parks and open space, as expressed in the following Goals and Policies:

Goal 1015.2: "To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont's residential neighborhoods."

Goal 1015.3: "To preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment."

Policy 1016.6: "Natural features such as ridgelines, canyons, steep hillsides, meadows, streamsides, and significant stands of trees should be preserved and protected through planning, conservation practices and, where appropriate, the dedication of open space or scenic easements."

Fiscal Impact

The City Clerk's office expended significant time compiling the information regarding ownership of the parks and open space lands in the City. Additional work has been performed by the City Attorney's office, the Community Development Department, and the Parks and Recreation Department in connection with this staff report. If the Council votes to place the matter on the November ballot, significant additional work will need to be done by the City Attorney's office and the City Clerk's office in this regard. The City Clerk estimates that adding a ballot measure to the scheduled election would cost approximately an additional $10,000, not including publication and translation costs (translation into Spanish and Chinese is required.) The Council may also consider the fiscal impact of the commitment to maintain existing parks and open space uses, and not to use park and open-space lands to assist in financing other City objectives in the future. However, these services and uses to be maintained in the future are funded in the current budget and are expected to be funded in the FY 09-10 budget as well.

Public Contact

Posting of the agenda.

Recommendation

Staff recommends that the City Council decide whether to place this measure on the upcoming November ballot.

Alternatives

1. Take no action at this time.
2. Direct staff to return with additional information prior to making a decision as to whether to place the matter on the November ballot.
3. Continue the item and direct staff to make modifications to the language of the proposed ordinance.

Attachments

A. Staff report from February 24, 2009 City Council meeting.
B. Table of parks and open space parcels.
C. Resolution of the City Council placing the measure before the voters.
D. Proposed ordinance.

Respectfully submitted,

Marc L. Zafferano
City Attorney

ATTACHMENT A

Staff Report From February 24, 2009
City Council Meeting

Council Agenda # 6-A
Meeting of February 24, 2009

Staff Report

FURTHER DISCUSSION AND DIRECTION REGARDING PROPOSED BALLOT MEASURE – PARKS AND OPEN SPACE

Honorable Mayor and Council Members:

Summary
Staff requests further direction regarding whether the upcoming November ballot should contain a Council-sponsored initiative that would require a vote of the people to change parks and open space uses from existing and/or allowed uses to a different use.

Background
This item is again on the agenda following an Item 9 request by Councilmember Feierbach, and a discussion of the issue at the January 27, 2009 City Council meeting. At that meeting, a majority of the three participating Councilmembers provided staff direction to move forward with the proposed measure.

Specifically, a majority of the Council directed that the proposed measure should include the eighteen City-owned properties listed in Attachment A. Those properties consist of:

1. Ralston Ranch Park
2. Water Dog Lake (John S. Brooks Open Space)
3. Hallmark Park
4. Cipriani Park/Dog Park
5. Hidden Canyon Park
6. HastingsTot Lot
7. Belameda Park
8. Barrett Community Center
9. McDougal Park
10. Twin Pines Park
11. College View Park
12. Alexander Park
13. O'Donnell Park
14. Belmont Sports Complex
15. Davey Glen Park
16. Patricia Wharton Park

17. Semeria Park
18. Wakefield Park

The Council majority also provided direction regarding what level of development should be allowed in the areas proposed to be protected. The Council majority voiced general support for a new zoning designation entitled "Parks, Recreation and Open Space", into which the eighteen City-owned properties would be placed. The measure would specify that development of these eighteen properties would be governed by the Parks and Open Space element of the City's General Plan, as amended from time to time, and the implementing document for the Parks and Open Space element, the Parks and Open Space Master Plan, also as amended from time to time.

Finally, the Council majority directed that staff begin conducting further research regarding the actual restrictions and deed language for each of the eighteen parcels proposed to be included in the new zoning district. As noted in the January 27, 2009 staff report and the oral presentation, this effort, which involves the City Clerk's office and the Parks and Recreation Department, in addition to the City Attorney's office, should be completed before the Council votes on whether to adopt an ordinance placing the matter on the November 2009 ballot.

Following the Council meeting, staff performed additional analysis of the potential implications of such a ballot measure. One concern was whether the proposed ballot measure could be unduly restrictive for staff and future City Councils in making decisions regarding uses of City parks and open space. The Parks and Open Space element of the General Plan, and its implementing document, the Parks and Open Space Master Plan, contain detailed descriptions of the current uses of these facilities, as well as providing a blueprint for proposed future uses. The question for the Council is whether these documents, as currently written, strike the appropriate balance between protection of the parks and open space, on the one hand, and providing staff and future Council flexibility, on the other hand.

These documents do draw a clear distinction between parks uses and open space uses. For example, the "Objectives and Policies" section of the Parks and Open Space Master Plan, found at pages 25 and 26 of the Plan, contains fifteen policies regarding park development and ten policies regarding open space. In general, open space goals and policies focus on maintaining pedestrian access and enhancing usability for primarily passive recreational uses, while protecting sensitive environmental habitats. Therefore, for example, a proposed "swap" that would place a park use in an area previously designated as open space would likely be inconsistent with both the General Plan and the policies in the Parks and Open Space Master Plan. Similarly, an exchange of City-owned property covered by the measure for private property could also require a vote of the people.

As noted at the January 27, 2009 City Council meeting, placing an initiative measure on the ballot by ordinance would require three affirmative votes of the City Council.

Discussion

Based on Council direction at the last meeting, a proposed ballot measure would contain the following five features:

1. The measure would currently apply only to the eighteen City-owned properties listed in this staff report as reflected in Attachment A;
2. The measure would apply to parks and open space acquired by the City in the future;
3. The eighteen properties would be rezoned by the measure to a new zoning designation entitled "Parks, Recreation, and Open Space";
4. These properties could only be used for the parks, recreation, and open space uses as specified in the City's Parks and Open Space element of the General Plan, as amended from time to time, and as implemented by the Parks and Open Space Master Plan, as amended from time to time, absent a vote of the people;
5. A vote of the people would be required to sell, exchange, or encumber any park or open space lands contained in the new zoning district.

At tonight's meeting, staff requests additional direction to begin drafting the staff report, resolution, and ordinance required to place such a measure on the November 2009 ballot. As noted at the last meeting, the Council should vote on the ordinance by its July 7, 2009 meeting. If the Council provides direction to proceed tonight, staff will perform the additional research necessary to obtain all of the deeds and any contractual restrictions that currently exist regarding the uses of the eighteen properties proposed to be included in the measure. Staff would return to the Council in late Spring with this information as well as a draft of the proposed text of the measure.

General Plan/Vision Statement

The proposed initiative would be consistent with the General Plan's expressed policies to protect and preserve parks and open space.

Fiscal Impact

As noted at the last meeting, analysis and drafting of this measure would involve significant staff time from the Parks and Recreation Department, the Community Development Department, the City Clerk's office, and the City Attorney's office. At this point, the primary additional work required is for City staff to obtain the deed and other information regarding the eighteen properties proposed to be included as part of the measure.

Public Contact

Posting of the agenda.

Recommendation

Staff recommends that the Council provide direction to staff regarding whether to proceed with the necessary research and to begin drafting the resolution, ordinance, and ballot measure language.

Alternatives

1. Take no additional action at this time.
2. Direct staff to return with additional information prior to making a decision as to whether to place the matter on the November ballot.
3. Direct staff to begin the process of rezoning the eighteen properties as part of its ongoing General Plan amendment process.

Attachments

A. List of Eighteen Properties

Respectfully submitted,

Marc L. Zafferano
City Attorney

BELMONT "PARKS AT A GLANCE"

Park Site	ACRES	Ballfield	Basketball	Recreational Building	Horseshoe Pits	Jogging Track	Multi-Use Field	Picnic Area	Playground	Restrooms	Swimming	Tennis	Volleyball	Special Features
Ralston Ranch Park Across from 1 Ralston Ranch.	1.3													Undeveloped
Water Dog Lake Across from 2839 Hallmark	260.6					X								Undeveloped, No water play allowed Hiking/Biking Trails
Hallmark Park Across from 2592 Hallmark	5.2					X			X			②		Drinking Fountain Access to Crystal Springs Trails
Cipriani Park/Dog Park 2525 Buena Vista	6		X				X	B	②					Drinking Fountain Dog Park - Off Leash Area
Hidden Canyon Park End of Carlmont Drive	23.7					X								Drinking Fountain, Undeveloped Hiking/Biking Trails
HastingsTot Lot 2409 Hastings Drive	0.3								X					Vista View, Benches Trail Access
Belameda Park Library /1110 Alameda	3					X		B	X					Drinking Fountain Hiking/Biking Trails
Barrett Community Center 1835 Belburn or 1870 Ralston	3.4	X	X	X			X	B	X					Drinking Fountain Day Care, Teen Center, Community Theater
McDougal Park 1405 Solana Dr.	4.5	②	②				X		X					Drinking Fountain
Twin Pines Park 30 Twin Pines Lane	21.1			X	②			B	②	X			X	Sr./Community Center, Art Center Building & Picnic Rentals
College View Park Next to College View	0.1								X					Drinking Fountain Bench.adjacent to NDNU
Alexander Park 400 Block of Yorkshire, near Marine View	1.3		X		X			B	②	X		③		Drinking Fountain Handball/Tennis Wall
O'Donnell Park 400 Block of Ralston, near Judson	0.9		X					B	X					Drinking Fountain
Belmont Sports Complex 550 Island Parkway	11	③		X	X	X	X	B	①	X			X	Drinking Fountain Facility Rentals
Davey Glen Park Across from 500 Davey Glen	1.1													Undeveloped
Patricia Wharton Park between Notre Dame Avenue and Middle Road	0.1													Bench
Semeria Park Semeria and Casa Bona														Undeveloped
Wakefield Park Wakefield Avenue														Bench

○ = # of lighted facilities
● = # of unlighted facilities
X = available feature
B = Barbecue

PARK RULES
Hours:1/2 hour before sunrise to 1/2 hour after sunset.
Dogs must be on leash and cleaned-up after.
No alcohol allowed except by permit.

Department of Parks and Recreation
30 Twin Pines Lane (650)595-7441
Web Site-www.belmont.gov
Facility Rentals- (650 637-2927

ATTACHMENT B

Table Of Parks And Open Space Parcels

PARKS RESEARCH

Name	Address	APN	City-owned	Deed	Legal Description	Supporting Docs
Alexander Park	400 block of Yorkshire, near Marine View	040-263-180	Yes (GIS)	No	LOT 19, BLK 8 Sterling Downs RSM 35/25 26 27	Reso 458 accepting Sterling Downs subd map (note: Reso is not signed); Reso 472 accepting recreational area in Sterling Down Subdivision
Barrett Community Center	1835 Belburn, 1870 Ralston	044-312-300 (Belburn Dr.) 044312 310 (Ralston Ave.)	Yes (GIS & deed)	Yes	3.51 AC MOL PTN of LOTS 9 & 11 Mezes Ranch Near; 1.60 AC MOL PTN of LOT 11 Mezes Ranch Near Blemont RSM 1/75	Reso 6072 authorizing execution for purchase of McDougal, Cpiriani and Barrett playing fields; Grant Deed
Belameda Park/Library	1110 Alameda/Library	045-024-060	Yes (GIS)	No	3 AC MOL on SWLY LN of Alameda de las Pulgas lying NWLY & ADJ to LOT 57 of Mezes Rancho Acreage City of Belmont	Pending
Belmont Sports Complex	550 Island Parkway	040-360-390	Yes (GIS & deed)	Yes	LOT 39 Island Park RSM 118/61-64	Grant Deed; Resos 6544 6549; RDA Resos 53-57
Parcels around Sports Complex	Island Park Area	040-360-430, 040-360-450, 040-360-460, 040-360-490, 040-360-520, 040-360-540	Yes (GIS)	Yes		
Cipriani Park	Adjacent to 2525 Buena Vista	043-290-630	Yes (GIS & deed)	Yes	PARCEL 2 2.67 AC MOL Parcel Map Vol 56/14	Reso 6072 (under Barrett); Grant Deed; See also Reso 250 & Reso 468
College View Park	Next to College View	044-372-060 (Parcel A) 044-371-010 (Parcel B)	Yes (GIS)	No	PARCEL A Notre Dame Heights Unit No. 2 RSM 63/48 49; PARCEL B Notre Dame Heights Unit No 2 RSM 63/38, 39;	Reso 2789 approving Final Subd Map; Planning Commission Reso 1965-77 recommending approval of amended tentative subdivision map

PARKS RESEARCH

Name	Address	APN	City-owned	Deed	Legal Description	Supporting Docs
Davey Glen Park	Across from 500 Davey Glen	044-162-170 (New APN)	Yes (GIS & deed)	Yes	PARCEL A being a part of the resubdivision of Parcel C as shown on that certain Parcel Map filed for record in the Office of the Recorder of the County of San Mateo, State of California on March 29, 2001 in Book 79, or Parcel Maps at Pages 59-60. City of Belmont, San Mateo County,	Grant Deed
Hallmark Park	Across from 2592 Hallmark	045-330-220	Yes (GIS & deed)	Yes	5.20 AC MOL lying SLY & ADJ to BLK 5 Hallmark Unit No 5 Acreage City of Belmont	Reso 3831 accepting agreement with Hallmark Homes; conveyance of title to City for 3 parcels of land dedicated for park, recreation & open space; Reso 3984 accepting grant deed from Hallmark Homes (for 3 parcels); Grant Deed
Hastings Tot Lot	Across from 2409 Hastings Dr.	045-492-340	Yes (GIS)	No	13.50 AC MOL PTN PARCEL B BLOCK B Carlmont Woods No 2 RSM 88/34-42	Reso 4315 approving Final Subd Map; parcel dedicated to City as open space
Hidden Canyon Park	End of Carlmont Dr.	045-540-010 (Parcel A) 045-540-020 (Parcel B)	Yes (GIS)	No	4.801 AC PAR A Hidden valley RSM 124/1-3; 81.394 AC PAR B Hidden Valley RSM 124-1-3	Reso 7452 approving Final Subd Map; dedicated to City for park
McDougal Park	Adjacent to 1405 Solana Dr.	045-122-180	Yes (GIS & deed)	Yes	3.01 AC MOL PTN of LOT A BLK 1 Carlmont No 1 RSM 39/45	Reso 6072 (under Barrett); Grant Deed

PARKS RESEARCH

Name	Address	APN	City-owned	Deed	Legal Description	Supporting Docs
O'Donnell Park	400 block of Ralston, near Judson	040-321-010	Yes (GIS & deed)	Yes	0.908 AC MOL ADJ to NWLY LN of Homeview No 1 RSM 25/27 Acreage City of Belmont	Reso 3024 accepting deed from State of California; Director's Deed
Patricia Warton Park	Between Notre Dame Ave. & Middle Rd.	Right-of-way	Not found in GIS	No	Adjacent to 305 Middle	Reso 2880 approving tentative subdivision map of Belle Oaks with exceptions; Reso 2881 approving Final Subd Map; Reso 3653 designating mini-park at Middle Rd. and Notre Dame Ave. as "Patricia Wharton Park"; Reso 1275(?)
Ralston Ranch Park	Across from 1 Ralston Ranch	043-402-999	No (GIS)		Not available	Reso 7713 approving Final Subd Map; parcel dedicated to City as open space easement
Semeria Park	Semeria & Casa Bona	044-042-180	Yes (GIS & deed)	Yes	LOT 24 in BLK 36, as designated on the map entitled "Map of Subdivision No. 2 Belmont Country Club Properties Belmont San Mateo County Calfornia" which map was filed in the office of the Recorder of the County of San Mateo , State of California on February 16, 1925 in Book 12 of maps at pages 13 to 17 inclusive	Reso 9644 authorizing purchase of real property; Grant Deed
Twin Pines Park	30 Twin Pines Lane	045-181-230, 045-181-250, 045-181-260, 045-181-280	Yes (GIS & deed)	Yes	See 3 deeds	Deeds (3)

PARKS RESEARCH

Name	Address	APN	City-owned	Deed	Legal Description	Supporting Docs
Wakefield Park	Wakefield Ave.	045-444-140	Yes (GIS)	No	PARCEL A Hallmark West Unit 4 RSM 91/24-	Reso. 4439 approving Final Subd Map; parcel dedicated to City
John S. Brooks Open Space: Parcels around Water Dog Lake	Hallmark/Hidden Canyon Area	045-330-070, 045-330-180, 045-330-230, 045-441-600, 045-540-020, 045-340-170, 045-512-130	Yes (GIS)			

CITY OF BELMONT

Memo from the City Clerk's Office

Date: 3/24/09

To: Jack Crist, Marc Zafferano, Jonathan Gervais

From: Pam Aguilar

Re: Parks Research – Additional Information

This is a follow-up to the memo and research submitted on March 16, 2009.

Please note the following updated information:

1) Deeds were located for the following parcels:

- Barrett Community Center
- Belmont Sports Complex
- Cipriani Park
- Davey Glen Park
- Hallmark Park
- McDougal Park
- O'Donnell Park
- Semeria Park
- Twin Pines Park

2) It was determined that the following parcels were dedicated to the City for park, recreation and/or open space purposes at the time the final subdivision maps were approved and accepted by the City, and are owned by the City (according to the County GIS):

- Alexander Park (Sterling Downs Subdivision)
- College View Park (Notre Dame Heights Subdivision)
- Hastings Tot Lot (Carlmont Woods Subdivision)
- Hidden Canyon Park (Hidden Valley Subdivision)
- Wakefield Park (Hallmark West Subdivision)
- Patricia Wharton Park (Belle Oaks Subdivision) – technically not a park, but a landscaped right of way

3) The following parcels were dedicated to the City for park, recreation and/or open space purposes at the time the final subdivision maps were approved, and are NOT owned by the City:

- Ralston Ranch Park (Ralston Ranch Subdivision)

4) The following property is being leased by the City from NDNU:

- Water Dog Lake

5) Information is still pending on the following parcels:

- Belameda (Parcel adjacent to Belmont Library) - Staff was unable to locate a deed for this parcel and will require a visit to the County Recorder's office.

ATTACHMENT C

Resolution Of The City Council
Placing The Measure Before The Voters

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT TO PLACE BEFORE THE VOTERS OF THE CITY OF BELMONT AN ORDINANCE REQUIRING APPROVAL BY THE VOTERS OF THE CITY OF BELMONT FOR 1) CONVERSION OF CITY-OWNED PARKS AND OPEN SPACE LANDS TO OTHER USES, AND FOR 2) CERTAIN SALES AND ENCUMBRANCES OF SUCH LANDS

WHEREAS, the City Council desires to submit to the voters at the general municipal election on November 3, 2009 an ordinance that would require approval by the voters of the City of Belmont for conversion of City-owned parks and open space lands to other uses, and for certain sales and encumbrances of such lands;

WHEREAS, the City Council finds that the placing the proposed ordinance on the ballot is a project that is categorically exempt from CEQA under Section 15308—*Actions of Regulatory Agencies for the Protection of the Environment*;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont does hereby resolve as follows:

Section 1. That the City Council orders submitted to the voters at the General Municipal Election to be held and consolidated with the General Election on Tuesday November 3, 2009, the following question:

"Shall an ordinance be adopted to protect and preserve parks and open space lands owned by the City of Belmont by requiring voter approval for 1) conversion of City-owned parks and open space lands to other uses, and for 2) sale or pledges of such land to support debt, with certain limited exceptions?"	YES
	NO

Section 2. The ordinance to be enacted by a majority of the voters pursuant to Section 1 above shall be in the form set forth in Exhibit A, attached hereto.

Section 3. This measure is submitted to the voters pursuant to Elections Code Section 9222.

Section 4. The ballots used at the election shall be in the form and content as is required by law.

Section 5. The City Attorney is hereby directed to prepare and submit an impartial analysis.

Section 6. The City Council authorizes _____ to prepare a written argument in favor of the ballot proposition, on behalf of the City Council, not to exceed 300 words. The City Council authorizes _____ to prepare and submit a written rebuttal argument in the event a written argument opposing the

initiative measure is submitted. The City Council also authorizes submission of rebuttal arguments not to exceed 250 words.

Section 7. The City Clerk is hereby directed to deliver forthwith certified copies of this Resolution to the Clerk of the Board of Supervisors of San Mateo County and the Registrar of Voters of San Mateo County promptly upon its adoption.

Section 8. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election or to contract with the Registrar of Voters of San Mateo County for the same purpose.

Section 9. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding consolidated municipal elections.

Section 10. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give or to arrange for the Registrar of Voters of San Mateo County to give further or additional notice of the election, in time, form and manner as required by law.

Section 11. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

* *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on May 26, 2009 by the following vote:

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

_____
CLERK of the City of Belmont

APPROVED:

_____
MAYOR of the City of Belmont

ATTACHMENT D

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT REQUIRING APPROVAL BY THE VOTERS OF THE CITY OF BELMONT FOR 1) CONVERSION OF CITY-OWNED PARKS AND OPEN SPACE LANDS TO OTHER USES, AND FOR 2) CERTAIN SALES AND ENCUMBRANCES OF SUCH LANDS

WHEREAS, the parks and open space lands described herein are all owned by the City of Belmont ("City"); and

WHEREAS, these lands are currently used for parks, recreation and open space purposes, as described in the Parks and Open Space Element of the City's General Plan; and

WHEREAS, the Parks and Open Space Element of the City's General Plan is implemented by the Parks and Open Space Master Plan; and

WHEREAS, these lands are currently located in seven different zoning districts, some of which allow uses other than parks, recreation and open space; and

WHEREAS, the City now desires that these lands, and any parks and open space lands acquired by the City in the future, be maintained as parks, recreation and open space, and that these lands not be converted to other uses; and

WHEREAS, the City also now desires that these lands not be sold or encumbered (i.e., pledged as collateral for loans), unless such sale or encumbrance is in connection with acquiring additional parks or open space lands, or for the purpose of exchanging existing parks or open space lands for other contiguous parks or open space lands; and

WHEREAS, the City Council finds that the placing this ordinance on the ballot is a project that is categorically exempt from CEQA pursuant to Section 15308—*Actions of Regulatory Agencies for the Protection of the Environment.*

Now, Therefore, The People of the City of Belmont do ordain as follows:

Section 1. Rezoning of City Park and Open Space Parcels to Newly Created "Parks, Recreation and Open Space" Zoning District

The lands described herein are hereby rezoned to a new zoning district designated "Parks, Recreation and Open Space"; and such zoning shall not be changed, absent a vote of the people. The uses allowed in the "Parks, Recreation, and Open Space" zoning district shall be consistent with the uses and purposes specified in the Parks and Open Space Element of the City's General Plan, as amended from time to time, and as implemented by the City's Parks and Open Space Master Plan, as amended from time to time, and are referenced below as "Parks and Open-Space Uses".

Section 2. Use of City-Owned Parks and Open Space for other purposes must be approved by voters.

The lands described herein, and any lands acquired by the City for Parks and Open-Space Uses in the future, shall be used only for Parks and Open-Space Uses, subject to the requirements of any deed, dedication or other instrument by which the City acquired or acquires the lands, and shall not be converted to other uses, absent a vote of the people.

Section 3. Certain sale or encumbrances of parks and open space land must be approved by voters.

The lands described herein shall not be sold or encumbered absent a vote of the people, unless such sale or encumbrance is intended to facilitate acquisition of other lands for Parks and Open-Space Uses, or for the purpose of exchanging existing parks or open-space lands for contiguous land for Parks and Open-Space Uses.

Section 4. City-owned Lands Subject to this Ordinance

The following city-owned lands are subject to this ordinance:

1. John S. Brooks Open Space (near Water Dog Lake)
2. Hallmark Park
3. Cipriani Park/Dog Park
4. Hidden Canyon Park
5. HastingsTot Lot
6. Belameda Park
7. Barrett Community Center
8. McDougal Park
9. Twin Pines Park
10. College View Park
11. Alexander Park
12. O'Donnell Park
13. Belmont Sports Complex
14. Davey Glen Park
15. Patricia Wharton Park
16. Semeria Park
17. Wakefield Park

The legal descriptions of these lands are attached hereto as Exhibits A-1 to A-17, respectively.

Section 5. Amendment or Repeal.

The provisions of this Ordinance may be amended or repealed only by the voters of the City of Belmont.

Section 6. Costs of Election.

The proponent of any proposal subject to a vote of the people under this ordinance shall pay all costs associated with placing said proposal on the ballot, including any cost incurred by the City in complying with the California Environmental Quality Act with respect to the proposal.

Section 7. Publication and Effective Date.

This Ordinance shall take effect ten (10) days after the City Council declares its adoption by the voters of Belmont, as provided by Elections Code Section 4217.

Section 8. Severability; Construction

(a) In the event any section or portion of this ordinance or its application to any parcel or circumstance shall be determined invalid or unconstitutional, such section, portion or application shall be deemed severable and all other sections or portions hereof shall remain in full force and effect and this ordinance shall remain applicable to other parcels and circumstances.

(b) This ordinance is intended to be a lawful exercise of the City's zoning power and its authority to control the use of its own land. It is not intended to interfere with preemptive state or federal law governing real property titles or other such issues. This ordinance shall be interpreted in light of this intent.

Section 9. Certification.

The Mayor is hereby authorized to subscribe this Ordinance where indicated below to evidence its adoption by the voters of the City and upon that subscription, the City Clerk shall certify to the passage and adoption of this ordinance and shall cause it to be published according to law.

ORDINANCE NO.

TITLE: AN ORDINANCE OF THE CITY OF BELMONT REQUIRING APPROVAL BY THE VOTERS OF THE CITY OF BELMONT FOR 1) CONVERSION OF CITY-OWNED PARKS AND OPEN SPACE LANDS TO OTHER USES, AND FOR 2) CERTAIN SALES AND ENCUMBRANCES OF SUCH LANDS

HISTORY: This Ordinance was approved by the voters at the general election on November 3, 2009.

AYES:

NOES:

APPROVED:

David Braunstein
Mayor of the City of Belmont

ATTEST:

Terri Cook
Clerk of the City of Belmont

APPROVED AS TO FORM:

Marc L. Zafferano
City Attorney of the City of Belmont

ORDAINING CLAUSE:

THE CITIZENS OF THE CITY OF BELMONT DO ORDAIN AS FOLLOWS: